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TESTIMONY OF

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NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

U.S. DEPARTMENT OF COMMERCE

BEFORE THE

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INTERNATIONAL FISHERY CONSERVATION AND MANAGEMENT ISSUES

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Mr. Chairman and Members of the Subcommittee, thank you for inviting me to this hearing to present testimony on topics related to international fishery conservation and management. I am William T. Hogarth, the Assistant Administrator for Fisheries in the National Oceanic and Atmospheric Administration, Department of Commerce.

I believe NOAA Fisheries and our federal partners at the Department of the Interior and the State Department, working in concert with state, tribal, and other Native American groups, have and are continuing to accomplish an impressive program of international living marine resource conservation and management.

I would like to emphasize, however, that the problems and challenges we are addressing in domestic fisheries management are the same ones we are addressing internationally. Indeed, many of these problems, including the management needs of highly migratory species, salmonid, straddling, and shared fish stocks and many protected species stocks cannot be effectively addressed at home in the absence of international cooperation. These problems and challenges include eliminating overfishing, rebuilding overfished stocks, managing fisheries sustainably, recovering protected species, conserving habitats, improving the scientific basis of living marine resource management working toward ecosystem-based management, and addressing problems of bycatch and harvesting capacity. I will provide an overview of our efforts to address these issues in several international fora including (1) ICCAT (International Commission for the Conservation of Atlantic Tunas), (2) CCAMLR (Convention on the Conservation of Antarctic Marine Living Resources), (3) IWC (International Whaling Commission), (4) NAFO (Northwest Atlantic Fisheries Organization), (5) FAO (Food and Agriculture Organization of the United Nations), (6) WTO (World Trade Organization), and (7) CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora).

ICCAT (International Commission for the Conservation of Atlantic Tunas)

ICCAT coordinates the international management of tunas and tuna-like species. The organization currently has 35 members. Primary U.S. objectives over the last several years have included seeking measures to rebuild overfished stocks and improve adherence to ICCAT rules by members and non-members. Seeking

measures to address bycatch issues has also been a focus of the United States.

With regard to rebuilding, we have had a number of successes, including the adoption of rebuilding plans for western bluefin tuna (1998), North Atlantic swordfish (1999) and blue and white marlins (2000). As you may know, the sacrifices made to rebuild North Atlantic swordfish began to show results last year with a significant increase in biomass which led to increases in quota allocations. On the compliance front, ICCAT has adopted a variety of state-of-the-art measures. ICCAT can and has imposed penalties (e.g., quota reductions, trade sanctions) against members for infractions. The Commission has also adopted action plans that contemplate the use of trade sanctions against countries that diminish the effectiveness of ICCAT, and sanctions have been imposed in several instances. These measures have been successful in reducing illegal, unregulated, and unreported (IUU) fishing in the Convention area. Most recently in its fight against IUU fishing, ICCAT adopted a vessel list program that provides a basis to limit market access to only those products taken by authorized vessels.

Regarding bycatch issues, ICCAT has adopted proposals to improve data collection and reporting on sharks and seabirds and is considering a similar proposal concerning sea turtles. The latter will be on the agenda for the 2003 ICCAT meeting. Regarding sharks, an assessment is planned for 2004. The ICCAT measure also encourages releasing sharks taken as bycatch, and minimizing shark waste and discards.

Despite the strides made at ICCAT, particularly over the last decade, a number of difficult issues remain. Data collection and reporting continue to be a challenge for some parties, and a special meeting will be held in the fall 2003 to consider this matter. Moreover, the stock structure of Atlantic bluefin tuna, currently managed as two separate stocks, remains in question and ICCAT agreed to convene a meeting of scientists and managers in November 2003 to look into this issue. In addition, ensuring ICCAT rebuilding plans stay on course and that new programs are developed for other overfished stocks (such as bigeye tuna) will be important. Also, we intend to ensure that ICCAT continues to make needed progress in improving member compliance and non-member cooperation, including addressing IUU issues.

With respect to compliance issues in ICCAT fisheries, the Secretary of Commerce recently (April 25, 2003) sent letters to the European Commission (EC) [namely, Commissioner for Trade Pascal Lamy and Commissioner for Agriculture, Rural Development, and Fisheries Franz Fischler]. Secretary Evans noted the importance of the conservation of marine fisheries and expressed concern about actions and positions taken by the EC at ICCAT in 2002-particularly regarding EC support of an eastern bluefin tuna total allowable catch far in excess of scientifically recommended, sustainable levels. Secretary Evans stated that positions such as these have the potential to threaten the long-term future of shared resources and to lead to serious friction in U.S.- EC trade relations. As an example, the Secretary pointed to a petition filed by a recreational fishing organization under Section 301 of the Trade Act of 1974 that sought relief from allegedly unjustifiable acts, policies, and practices of the EC related to ICCAT. This petition was withdrawn. In his letter, the Secretary urged the EC to take prompt action to improve EC compliance with existing ICCAT measures and to reconsider accepting science-based conservation measures in the future.

In addition to this action, NOAA Fisheries has received a request to certify the EC pursuant to the Pelly Amendment to the Fishermen's Protective Act of 1967 for diminishing the effectiveness of ICCAT. The decision on certification has been left open for the time being while we monitor the activities of the EC and its Member States. In this regard, I recently sent a letter to the EC Director General for Fisheries explaining the request, noting its seriousness, and indicating that I intend to investigate it fully. I have also been in contact with the head of the EC delegation to ICCAT concerning this matter, and we will continue our dialogue at the upcoming ICCAT intersessional meetings in Madeira in late May 2003. I have been stressing the importance of EC implementation of its ICCAT commitments and will continue to do so.

CCAMLR (Convention on the Conservation of Antarctic Marine Living Resources)

Due to the scale of IUU fishing for toothfish in and beyond waters subject to CCAMLR, a Catch Documentation Scheme (CDS) for toothfish was adopted in 1999. The CDS identifies the origin of toothfish imports, determines if the toothfish were harvested consistent with CCAMLR conservation measures, monitors international trade, and provides catch data for stock assessments in the Convention Area. Although NOAA Fisheries has fully implemented the CDS in the United States, it recently published final regulations streamlining administration of the program and enhancing efforts to prevent the import of illegally harvested toothfish. Effective June 16, 2003, NOAA Fisheries will operate a pre-approval system for toothfish imports. Pre-approval will allow the agency to review toothfish catch documents sufficiently in advance of import to facilitate enforcement and provide additional economic certainty to US businesses in

the toothfish trade.

Scientific information provided to CCAMLR has indicated high levels of IUU fishing in the Convention Area. The majority of CCAMLR Members agreed that catches reported as harvests from FAO Statistical Areas 51 and 57, high sea areas in the Indian Ocean adjoining the Convention Area, were not credible and were in all likelihood fish pirated from within the Convention Area. They also expressed concerns, shared by the United States, that information reported in catch documents did not match scientific understanding of toothfish distribution and potential biomass of toothfish on the high seas. Therefore, also as of June 16, 2003, no imports of fresh or frozen toothfish represented as harvested within FAO Areas 51 or 57 will be allowed entry into the United States. Importers applying for a pre-approval certificate for fish that has been harvested from either of these areas will be denied pre-approval.

IWC (International Whaling Commission)

The 55th Annual Meeting of the International Whaling Commission (IWC) will be held in Berlin June 16th through 19th. The longstanding principles that will guide United States policy at this meeting are that the United States supports the IWC's commercial whaling moratorium, supports aboriginal subsistence whaling, opposes lethal research whaling, and opposes the international trade of whale products.

Iceland recently rejoined the IWC with a reservation to the commercial whaling moratorium. The U.S. accepts Iceland as a member of the Commission, but is disappointed Iceland conditioned its membership with a reservation. In addition, Iceland recently submitted to the IWC a plan to conduct lethal research on whales. The United States opposes lethal research and urge Iceland not to begin this program. Likewise, Japan continues to conduct lethal research with the take of up to 700 whales per year. The United States continues to urge Japan to cease the killing of whales under scientific permits. Germany will put forth a resolution on scientific whaling that we intend to support.

In addition, Norway and Iceland have initiated the first international trade of whale products in 14 years. The U.S. has urged both countries to halt this trade. Last year, Japan submitted a resolution for the consideration of Japanese community-based whaling. This resolution contained a marked change from previous proposals whereby the quota would be non-commercial, and based on the advice of the Scientific Committee. Japan is expected to present a proposal regarding this matter. The U.S. has not yet seen this proposal, but will only consider supporting it if these two criteria (non-commercial - i.e., the proposal would establish sufficient safeguards to ensure that whales that would be taken under the program are not used for commercial purposes -- and based upon the advice of the IWC Scientific Committee), at a minimum, are met.

Mexico plans to put forward a resolution to create a Conservation Committee that is meant to reaffirm the conservation objective of the Convention. The U.S. intends to support the creation of this committee as it would improve the governance of the Commission's conservation work.

Italy intends to put forth a resolution on bycatch of whales. The U.S. intends to support this resolution since we recognize bycatch as a serious conservation issue and it would be synergistic with the National Bycatch Strategy recently issued by NOAA Fisheries.

The U.S. continues to work in good faith to establish a Revised Management Scheme (RMS) for commercial whaling. However, the last round of working group meetings were disappointing in that representatives of the whaling nations and their supporters did not accept any compromise put forth by the United States and others. The United States has repeatedly demonstrated its willingness to develop a science-based and enforceable RMS. Our efforts, however, have been thwarted by the pro-whaling nations, which, to date, have been unwilling to agree to the incorporation of adequate monitoring measures into the RMS. At the annual meeting, Japan will likely put forth a proposal on the RMS. Japan's proposal last year lacked the necessary components for a credible scheme and would have eliminated the commercial whaling moratorium and whale sanctuaries.

Finally, the U.S. intends to support Australia and New Zealand in their proposal to establish a South Pacific Sanctuary, and Brazil's proposal to establish a South Atlantic Sanctuary. Both of these sanctuary proposals are science-based and would help the recovery of depleted whale stocks.

NAFO (Northwest Atlantic Fisheries Organization)

NAFO manages groundfish, flatfish, and shellfish in the waters of the northwest Atlantic beyond areas of national jurisdiction, many of which are under zero directed take regimes. Some of these stocks are rebuilding and one, yellowtail flounder, has recovered sufficiently to reestablish a directed fishery. A U.S. priority within NAFO is to reform allocation practices and obtain greater access for U.S. vessels to fish for recovering stocks. NOAA Fisheries hosted a NAFO Working Group meeting in Miami earlier this year to press for more progress in this area, but progress has been slow. On the other hand, we have made considerable progress within NAFO on transparency, implementing a risk-based approach, effectively dealing with problems of fishing by non-members, and upgrading NAFO mechanisms and processes for monitoring compliance by NAFO members. Nevertheless, the issue of obtaining benefits for U.S. fishermen commensurate with the considerable financial and other contributions the United States makes to NAFO has led us to begin a reassessment of our proper role within NAFO.

NOAA has provided leadership on U.S. delegations to NAFO meetings since the United States joined NAFO in 1996, and NOAA Fisheries provides a required annual report to Congress on U.S. activities concerning NAFO.

COFI/Capacity (Committee on Fisheries, Food and Agriculture Organization of the United Nations)

A major and common problem that plagues a large number of domestic and world fisheries is overcapacity in the harvesting sector. The United States has recognized this global problem for more than a decade and has worked for years to address the issue of overcapacity in the harvesting sector through technical and policy-level consultations held under the sponsorship of FAO. Accordingly, we agreed in 1997 to consultations leading to an international plan of action for the management of fishing capacity (IPOA) and joined all the other FAO Members in approving the IPOA on this subject in 1999. NOAA Fisheries played an active role in the technical and policy-level meetings to bring these negotiations to a successful conclusion. In particular, I would like to single out the efforts of NOAA Fisheries technical experts who developed definitions and measures of capacity and overcapacity for marine capture fisheries that were later endorsed by FAO and have become the world standards.

The IPOA for the management of fishing capacity included a provision calling on all signatories to develop a national plan of action for the management of fishing capacity, and NOAA Fisheries has been working on this task for the last few years. Crafting a national plan of action for the management of fishing capacity has been a challenge. The Magnuson-Stevens Fishery Conservation and Management Act does not mandate the regulation of fishing capacity, and certain tools that would enable the Councils and NOAA Fisheries to manage capacity were either legally unavailable - - in the case of individual fishing quotas until October 2002 - - or were untried and therefore untested - - in the case of Fishing Capacity Reduction Programs under Section 312(b)-(e). Nevertheless, NOAA Fisheries has prepared a draft national plan of action that we believe is consistent with our legal mandates and authorities.

Our national plan of action has gone through internal and public review. We are in the process of making changes in response to comments provided by our constituents through a Federal Register notice of availability. The comment period closed in March of this year. We expect to send the final plan to FAO this year.

The United States, through the Committee on Fisheries (COFI), also provided leadership in the development of IPOAs regarding seabirds, sharks, and IUU fishing. The United States has completed development of its NPOAs relative to seabirds and sharks and has developed a draft NPOA on IUU fishing, which was presented at COFI earlier this year.

CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora)

The United States continues to believe that CITES can serve as a useful adjunct to traditional fisheries management through its comprehensive permitting and trade control protocols.

Such systems can deter IUU fishing and assist in promoting domestic management programs for commercially exploited marine species. CITES was designed to support sustainable international trade in fauna and flora, but is not a substitute for complementary scientific management and domestic regulation of fishery resources. In instances where no RFMO is in place (as is the case with queen conch and sturgeon), a CITES listing can encourage the establishment of regional management mechanisms. In the case of queen conch (listed in 1992), since 1996, NOAA-Fisheries and the Caribbean Fishery Management Council have organized the International Queen Conch Initiative, which provides a forum for countries in the Wider

Caribbean to develop coordinated approaches to regional management of the species. In the case of sturgeon (listed in 1997), regional cooperation among range States has led to the setting of intergovernmental quotas for sturgeon species in the Caspian Sea region. Closer cooperation between CITES and FAO should further strengthen these efforts, as FAO is experienced in supporting regional fisheries management organizations in developing regions of the world.

The United States has also supported cooperative efforts between CITES and CCAMLR to improve the management and enforcement of measures taken to conserve toothfish and potentially other Southern Ocean species. In addition, the United States continues to advocate the continued linkage of CITES listings with actions taken by the IWC to conserve whale stocks, such that the applicable trade prohibitions under CITES reflect the decisions on commercial whaling established by the recognized international management authority.

Fish Subsidies

Many commercially-traded fish stocks are fully exploited or over exploited. While it is generally acknowledged that ineffective or poorly enforced management regimes in global fisheries are the principal culprits in the decline of certain stocks, there is reason to believe that global levels of subsidies (estimated at between \$10-15 billion) have exacerbated the problem. For this reason, World Trade Organization (WTO) Ministers agreed in Doha, Qatar in December 2001 to clarify and improve existing WTO rules on fisheries subsidies. The World Summit on Sustainable Development (WSSD), held in Johannesburg South Africa in September 2002, further committed the global community to reduce and eliminate subsidies that lead to overcapacity and overfishing.

The United States has actively supported and contributed to work on fisheries subsidies in a variety of fora, and has long advocated WTO action on this issue. We believe that the fisheries subsidies negotiations are an important part of the WTO's commitment to making trade, development, and environmental policies mutually supportive: in other words, a demonstration that trade liberalization is a "win-win-win." We have therefore been working hard in Geneva, along with a group of like-minded countries, known as the "friends of fish," to fulfill the Doha mandate and establish better disciplines on fisheries subsidies. Although a few countries (Japan and Korea, most vocally) have slowed the negotiations somewhat, progress toward a successful conclusion is being made.

International Bycatch Reduction Activities

In the September 2000 Annual Report to Congress on International Bycatch Agreements, required by Section 202(h) of the Magnuson-Stevens Fishery Conservation and Management Act, NOAA Fisheries concluded, and the Department of State concurred, that seeking international agreements with foreign nations conducting pelagic longline fishing operations for Atlantic and Pacific highly migratory species was necessary and appropriate to protect endangered and threatened sea turtles. An international strategy was developed and detailed in the June 2001 Report to Congress.

In January 2002, I appointed an interagency International Bycatch Reduction Task Force to carry out the strategy. Although the initial focus of this effort was to reduce sea turtle bycatch in longline fisheries internationally, it also took on responsibilities relating to bycatch issues involving sharks and seabirds. It has since been fully integrated into our broader NOAA Fisheries National Bycatch Strategy. We continue to host and participate in international working groups in support of bycatch mitigation. A few examples of these include:

Participation and financial support for the Second International Fishermen's Forum in November 2002, which focused on sea turtle and seabird bycatch mitigation;

Planning and hosting an international technical workshop on reducing sea turtle interactions with longline gear in February 2003, in Seattle, Washington;

Planning for an interdisciplinary workshop to be co-sponsored by the International Center for Living Aquatic Marine Resource Management and others on the conservation needs of sea turtles in the Pacific Basin, planned for November 2003 in Bellagio, Italy;

Participating in and financially supporting an Asia-Pacific Economic Forum Fisheries Working Group Shark Workshop, which included bycatch issues, in Huatulco, Mexico in December 2002; and

Securing State Department funding to support the meeting of the Parties to the First Inter-American Sea Turtle Convention, to be held in San Jose, Costa Rica, in August 2003.

Mr. Chairman, the Task Force is preparing a report of its activities during the first year of operation, and I

would be happy to provide copies of it when completed.

H.R. 2048 (International Fisheries Reauthorization Act of 2003)

H.R. 2048 would extend the period for reimbursement under the Fishermen's Protective Act and would reauthorize the Yukon River Restoration and Enhancement Fund. NOAA Fisheries has no objection to the bill.

HRES 30 (Concerning the San Diego long-range sportfishing fleet and rights to fish the waters near the Revillagigedo Islands of Mexico)

The U.S. long-range sportfishing fleet has for at least the last thirty years fished in the waters of the Revillagigedo Islands. This activity has been estimated to provide about \$5.5 million in benefits to the U.S. economy and an additional \$2.9 million to the Mexican economy annually.

In 1994, Mexico's president created by decree the Revillagigedo Archipelago Biosphere Reserve. The decree established a "nucleus zone" or "core zone" of six nautical miles around the four islands in the Reserve. Sportfishing, however, was permitted to continue in the Reserve to within 500 meters. The 1994 decree also provided for the development of a management plan.

In March 2002, the Federal Attorney's Office for Environmental Protection (PROFEPA) in Mexico ruled that no fishing could take place in a biosphere reserve "nucleus zone," noting a December 1996 amendment to Mexican environmental law that prohibited fishing in "nucleus zones" of a biosphere reserve. The Government of Mexico then revoked the permits that had been issued to U.S. sportfishing vessels to fish to within 500 meters (m) of shore at the Reserve.

U.S. recreational operators claim that their fishing operations do not have a significant impact on the species and habitats of concern to the reserve and have asked the U.S. government to help resolve the matter. As a part of that effort and in compliance with a request from Congress, NOAA Fisheries is preparing a Report to Congress that will address the issues surrounding sportfishing in the reserve.

Thank you, Mr. Chairman, for this opportunity to review how NOAA Fisheries is conducting the tasks assigned it pursuant to the many international fisheries' treaties and conventions with which the United States is involved. We are committed to working with our state and federal partners for the effective management of our Nation's fisheries resources. Mr. Chairman, this concludes my testimony. I am prepared to respond to any questions Members of the Subcommittee may have.

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